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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,308	11/08/2001	Dietmar Wennemann	1856	5797

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EXAMINER

FASTOVSKY, LEONID M

ART UNIT PAPER NUMBER

3742

DATE MAILED: 09/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/010,308

Applicant(s)

WENNEMANN ET AL

Examiner

Leonid M Fastovsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Heidari et al (2003/0141291).

Heidari teaches a panel 1 providing a cooking surface having cooking zones heated with IR source 4', wherein the panel is provided with a decorative coating 3 and an IR permeable coating 10 on an underside of the panel.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari et al in view of Nikino et al (4,442,570), Mitra et al (6,525,300) and Gabelmann (6,505,621).

Heidari et al discloses substantially the claimed features, but does not disclose paint pigments comprising organometallic solutions, and temperature resistance levels.

Nikino et al disclose an infrared radiative body 1 made by coating the surface of the transparent body with the film coating with inorganic paint containing pigments, and coating with organometallic solutions consisting of complex of metal components, and a temperature resistance greater than about 350 degree C (Col. 3, lines 64-66, Col. 4, lines 26-29), Mitra et al shows a glass coating having a transition temperature in the range of 400 degree C to 650 degree C (Col. 18, lines 21-22), and Gabelmann shows a coating temperature in a range that is higher than 310 C. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a film coating with pigments and organometallic solutions as taught by Nikino et al and a coating temperature resistance ranges as taught by Nikino, Mitra and Gabelmann to improve performance of the cooking device by providing different temperature cooking zones and to obtain the desired predetermined colored impression.

6. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari et al in view of Nikino et al, Mitra et al, and Gabelmann as applied to claims 2-6 and further in view of Welch (4,237,368).

Heidari et al in view of Nikino, Mitra, and Gabelmann discloses substantially the claimed features, but does not disclose a cool region and a transition region. Welch shows a

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cool region 34. It would have been obvious to one having ordinary skill in the art to adopt the modified invention of Heidari, Mitra, Nikino, and Gabelmann with a cool region as taught by Welch and a transition region, which is always exists between a heat region and a cool region by law of physics, to achieve a desire temperature effect of the cooking device.

7. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari et al in view of McWilliams (4,665,307) and Morsch et al (6,051,817).

Heidari et al discloses substantially the claimed features as applied to claim 1, except metal and plastic foils. McWilliams discloses a radiant heater with a coating comprising a metal foil (Claim 25), and Morsch et al discloses a radiant heater with a coating comprising a plastic foil (Claim 17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to adopt the modified invention of Heidari with a metal foil as taught by McWilliams and a plastic foil as taught by Morsch to diversify the use of the cooking unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sang Paik can be reached on 703-308-1147. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Leonid M Fastovsky
Examiner
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Lmf

August 26, 2003

SANG Y. PAIK
PRIMARY EXAMINER

S. Paik